

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

Subfile Nos. CHCJ-003-0049
CHCJ-003-0061

MOTION FOR SUBSTITUTION OF PARTIES
AND TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and pursuant to Fed. R. Civ. P. 25(a)(1) moves the Court to issue its order substituting Norman D. Vigil and Rosalie E. Vigil for defendant Ralph Gallegos Jr. in these proceedings, and vacating the Consent Order filed November 25, 2002 (Docket No. 6948) in Subfile CHCJ-003-0061, and as grounds Plaintiff states the following:

1. Norman D. Vigil and Rosalie E. Vigil ("Vigils") recently purchased the land and water rights adjudicated to defendant Ralph Gallegos Jr. in these proceedings under subfiles CHCJ-003-0049 and CHCJ-003-0061. There is an error in the mapping of the irrigated lands under subfile CHCJ-003-0061 in the Consent Order filed November 25, 2002, that the Vigils and the State wish to correct. The Vigils have signed a revised Consent Order that will correct the error.

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Norman D. Vigil and Rosalie E. Vigil for defendant Ralph Gallegos Jr. in these proceedings, and

vacating the Consent Order filed November 25, 2002 in Subfile CHCJ-003-0061.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of February 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Norman D. Vigil
Rosalie E. Vigil
7312 Calle Montana NE
Albuquerque, NM 87113

/s/ Ed Newville

EDWARD G. NEWVILLE